

REMARKS

The Office Action dated July 6, 2007 has been received and carefully noted. The above amendment to the claims and the following remarks, are submitted as a full and complete response thereto.

Applicant amends claims 1, 4, 6-8, 10-14, 17, and 20 to more particularly point out and distinctly claim the subject matter of the invention. Specifically, the amendment addresses minor formality and stylistic matters to place the claims in better condition for examination. No new matter has been added in this amendment. Additionally, claim 39 is added, and is directed to elected subject matter.

Restriction Requirement under 35 U.S.C. §121

The Office Action presented a restriction requirement, requiring election between one of the following two inventions:

Invention I, recited in claims 1-21, drawn to a method/apparatus for encoding a frame in a communication network using a plurality of codec modes;
and

Invention II, recited in claims 22-38, drawn to a method/apparatus for deterring a codec mode for encoding a frame in a communication system.

Applicant respectfully elects to prosecute the subject matter of Invention I, recited in claims 1-21, drawn to a method/apparatus for encoding a frame in a communication network

using a plurality of codec modes. New claim 39 is directed to the same invention. Applicant therefore respectfully requests timely consideration on the merits.

Applicant reserves the right to file a divisional application on the non-elected claims at any point prior to the termination of the proceedings in the subject application.

Consideration of the claims and allowance thereof is respectfully requested in view of this election/amendment. Claims 1-21 and 39 are submitted for consideration.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'David D. Nelson', is written over a horizontal line.

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